

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
P.C. 10/13/04 Item: 3.a.

File Number  
CP04-059

Application Type  
Conditional Use Permit

Council District  
3

Planning Area  
Central

Assessor's Parcel Number(s)  
254-03-006

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Meera Nagaraj

Location: West side of King Road approximately 500 feet southeasterly of Las Plumas Avenue

Gross Acreage: 1.32 Net Acreage: 1.32 Net Density: n/a

Existing Zoning: L-I Light Industrial Existing Use: Utility Services

Proposed Zoning: No change  
Proposed Use: Same plus construction of a new slim-line wireless communication monopole 60 feet in height, and a new 300 square-foot equipment cabinets mountings.

### GENERAL PLAN

Completed by: MN

Land Use/Transportation Diagram Designation  
Light Industrial

Project Conformance:  
☒ Yes ☐ No  
☐ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: MN

North: Light Industrial Buildings

Light Industrial

East: Single-Family Residential

R-1-8 Single-Family Residence

South: Single-Family Residential

R-1-8 Single-Family Residence

West: Light Industrial Buildings

Light Industrial

### ENVIRONMENTAL STATUS

Completed by: MN

☐ Environmental Impact Report adopted

☒ Exempt

### FILE HISTORY

Completed by: MN

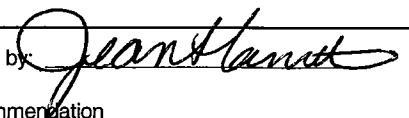
Annexation Title: Anne Darling\_7

Date: April 29, 1954

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval  
☒ Approval with Conditions  
☐ Denial  
☐ Uphold Director's Decision

Date: 10-5-04

Approved by:   
☒ Action  
☐ Recommendation

### CONTACT/ APPLICANT

The Alaris Group for SPRINT PCS  
Attn: Kristina Woerner  
185 Berry Street, Suite 5300  
San Francisco, CA 94107

### OWNER

Pacific Gas and Electric  
(Ben Hilderbrand-contact)  
77 Beale Street  
San Francisco, CA 95105

### DEVELOPER

AFL Telecommunications  
Attn: Rich Rolita

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: MN

**Department of Public Works**

- None.

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**Fire Department**

- See enclosed comments dated 07/08/04

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**Other Departments and Agencies: Santa Clara Valley Water District**

- None.

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**GENERAL CORRESPONDENCE**

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- None.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, AFL Telecommunications, is requesting a Conditional Use Permit to allow the installation and operation of three new wireless communication panel antennas/sectors concealed within a radome cylinder mounted on a new 60-feet high slim-line monopole. New equipment cabinets would be mounted on two concrete pads within an area of 15 feet by 20 feet at ground level. The monopole and the equipment cabinets would be enclosed within an 8-feet-high chain-link and slat fence. The proposed project does not include an emergency generator. The subject site is bounded by single-family detached residences to the east and south, and industrial buildings to the west and north. The Zoning Ordinance requires a Conditional Use Permit for wireless communication antennas in the LI Light Industrial Zoning District.

In 1996, staff explored the issues of electromagnetic radiation to determine if emissions from the proposed antennas posed a public health concern. Staff found that the low-frequency, low-energy, non-ionizing emission associated with wireless communications antennas were well below the recognized safety standards set by the American National Standards Institute (ANSI). Staff concluded there was no evidence that such transmission would result in adverse health effects to people living or working in the vicinity of the antennas. Further, Staff investigated reports that wireless communication transmission interfered with hearing aids, pace makers, and other electronic devices. Staff determined the reported interference resulted from cordless telephones and not from the antennas.

**GENERAL PLAN CONFORMANCE**

The subject site is designated Light Industrial on the San José 2020 General Plan Land Use/Transportation Diagram. The Light Industrial land use category is intended for a wide variety of industrial uses, including communications facilities, and excludes uses with unmitigated hazardous or nuisance effects. The proposed project conforms to the General Plan in that it contains a wireless communication facility that is established to have no unmitigated or hazardous nuisance effects.

## ENVIRONMENTAL REVIEW

The Director of Planning, Building and Code Enforcement has determined that this project is exempt from environmental review under Section 15303 of the provisions of the California Environmental Quality Act (CEQA). Under Section 15303, exemption consist of new construction or conversion of small structures including the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed project is exempt in that it consists of a slim-line monopole and an equipment cabinet mounted on a concrete pad all enclosed within an 8-foot-high chain-link fence at the subject property.

## ANALYSIS

The project was analyzed to determine its conformance to the Zoning Ordinance and to City Council Policy 6-20, Land Use Policy for Wireless Communications Antennas, which provides criteria for siting such facilities.

### Conformance to the Zoning Ordinance

The LI Light Industrial zoning district establishes a front setback of 15 feet and side and rear setbacks of 0 feet, or 25 feet from property located in a residential district. The proposed monopole and the equipment cabinets are located at the southwest corner of an existing PG&E facility site approximately 205 feet from the front property line along North King Road. It is also located approximately 300 feet from the closest residential district to the southern side of the property across the Silver Creek. The site has no residential district adjacent to its northern side or western rear side. Therefore, location of the proposed antennas and equipment cabinet conforms to the setback requirements of the zoning district

The Light Industrial zoning district also establishes a maximum height of 45 feet. Additionally, under section 20.80.1900 A, specifically related to wireless communication antennas, the maximum height of a wireless communication antenna may be increased over the required maximum height of the zoning district in which it is located up to a maximum of sixty (60) feet provided that all of the following criteria is met:

1. The design of the antenna is a "slim" pole design.
2. The proposed antennas (1 per sector, 3 sectors total) are concealed within cylinder radome mounted on a new 60-feet high slim-line monopole. The new antenna is a slim design monopole and it does not exceed 60 feet in height. Therefore the proposed project meets the above stated criteria and is in compliance with the Zoning Code.

Staff, during a site visit, found many trees along the west side of North King Road in need of structural pruning to make the front side of the project site more aesthetically appealing in the neighborhood.

## Conformance to City Council Policy 6-20 for Wireless Communications Antennas

The City Council policy allows for wireless communication antennas on industrial General Plan designations and in existing P.G.&E. substations and corridors of high-tension lines exceeding 200 kv., provided that they conform to the criteria outlined in this policy. The proposed project will locate three wireless communications antennas on a monopole in an existing PG&E substation site in Light Industrial General Plan designated area.

The Council Policy identifies the following Visual Impacts criteria, setbacks from Residential Uses and Parking for siting the wireless communication antennas with respect to monopoles:

*Alternatives Analysis: In siting new wireless antennas, service providers should explore alternatives to new monopoles and reduce visual impacts. Applications for new freestanding monopoles should include a thorough analysis of the potential for collocating or building-mounted alternatives as a means of reducing visual clutter. At a minimum, this analysis should identify the location of all existing monopoles within a quarter mile of the proposed site; provide an explanation of why collocation has not been proposed at each of these sites; and assess the potential for building-mounted alternatives.*

*Freestanding Monopoles: New freestanding monopoles should be located and designed to minimize public visibility. "Stealth" pole designs should be utilized wherever possible. Where visibility cannot be avoided, additional landscaping or other visual amenities should be provided to compensate for the visual impact of the use. Ancillary equipment should be adequately screened.*

*Setbacks from Residential Uses: Freestanding monopoles should be located no closer to a parcel developed for use as a single-family or multi-family residence than 35 feet or a distance equal to 1 foot for every 1 foot of structure height, whichever is greater. Substantial landscaping (10 feet minimum), generally including trees, should be provided adjacent to the residential property line, to buffer the adjoining residential uses.*

*Parking: Wireless communication facilities should not reduce existing parking on the site unless the zoning district parking requirements can still be met.*

The project consists of a freestanding 60-foot high slim-line monopole, located at the southwest corner of the site approximately, 205 feet from the property line along North King Road where, the antennas are not visible from the road or the adjacent residential area because of the existing trees and utility poles. The proposed improvements are located more than 250 feet from the closest residential property line, which is across the North King Road and approximately 300 feet from the single family development across the Silver Creek to the south of the property. New trees will be strategically placed to screen the monopole. The proposed monopole and the equipment cabinets are also enclosed and screened with a chain-link and slat fence. The proposal conforms to the policy requirements of setbacks from residential uses and, location of freestanding monopoles. The proposed monopole does not reduce any parking on the site.

There were other sites identified by the applicant that could have been used for the proposed project. However, the applicant indicated that for various reasons, those sites were unfeasible, including inadequate height available on buildings or leasing problems with the landlord/property

owner. The applicant has also stated that they were very close to locating the antennas on the existing penthouse of Ecolab located on Lenfest Road. However, they could not come to terms on the lease with the landlord. Collocation was not an option, as there are no other wireless carriers with monopoles or antennas within the search ring given to Sprint. Since the selected property is a PG&E property with existing public utility features, the applicants decided to locate the monopole at this site.

## **PUBLIC OUTREACH**

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the subject site. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has been available to discuss the project with interested members of the public.

## **RECOMMENDATION**

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Light Industrial on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site is located in the LI Light Industrial Zoning District.
3. The subject site is 1.32 acres in size and is owned and developed with a utility facility by Pacific Gas and Electric Company.
4. The proposed project includes installation and operation of three new wireless communication panel antennas/sectors concealed within a radome cylinder mounted on a new 60-foot high slim-line monopole and new equipment cabinets mounted on two concrete pads within an area of 15 feet by 20 feet at ground level. The monopole and the equipment cabinets would be enclosed within an 8-foot-high chain-link and slat fence. They are located at the southwest corner of an existing PG&E facility site approximately, 205 feet from the property line along North King Road.
5. The subject Zoning District LI Light Industrial has a height limit of 45-feet.
6. Section 20.80.1900A of the Zoning Ordinance allows the maximum height of wireless communications antenna to be increased over the required maximum height of the zoning district in which it is located, up to a maximum of 60-feet.
7. The project site is located in the LI zoning district, which establishes front set back of 15 feet, rear and side setbacks of 0 or 25 feet from a residential district.
8. The proposed monopole provides for approximately 205 feet front set back, and there is no residential zoning district adjacent to the rear of the property therefore it requires no rear setback.

9. The City Council Policy 6-20, Land Use Policy for Wireless Communication Facilities recommends that Free-standing monopoles should be located no closer to a residentially designated parcel than 50 feet or a distance equal to 1 foot for every 1 foot of structure height, whichever is greater, which is a distance of 60 feet in this case.
10. The proposed improvements are located more than 250 feet from the closest residential property line, which is across the North King Road and approximately 300 feet from the single family development across the Silver Creek to the south of the property.
11. Under the provisions of Section 15302 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.
12. The proposed equipment enclosure will effectively screen the equipment with an 8-foot chain-link and slat fence.
13. The proposed project does not include an emergency generator.
14. Trees along west side of North King Road are in need of structural pruning to uplift the streetscape in front of the project.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project conforms to the site's General Plan Land Use Transportation Diagram designation of Light Industrial.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.
4. The proposed project is consistent with City Council Policy 6-20: Land Use Policy for Wireless Communication Facilities.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and

2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
  - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth are hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

### CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

### CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Conformance with Plans.** Construction and development shall conform to the approved development plans entitled, "Sprint, KING & LAS PLUMAS PG&E, SF60xc832-C" dated, August 4, 2004, on file with the Department of Planning, Building and Code Enforcement.
2. **Colors and Materials.** All building, structures and fencing colors and materials are to be those specified on the approved plan set.
3. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.

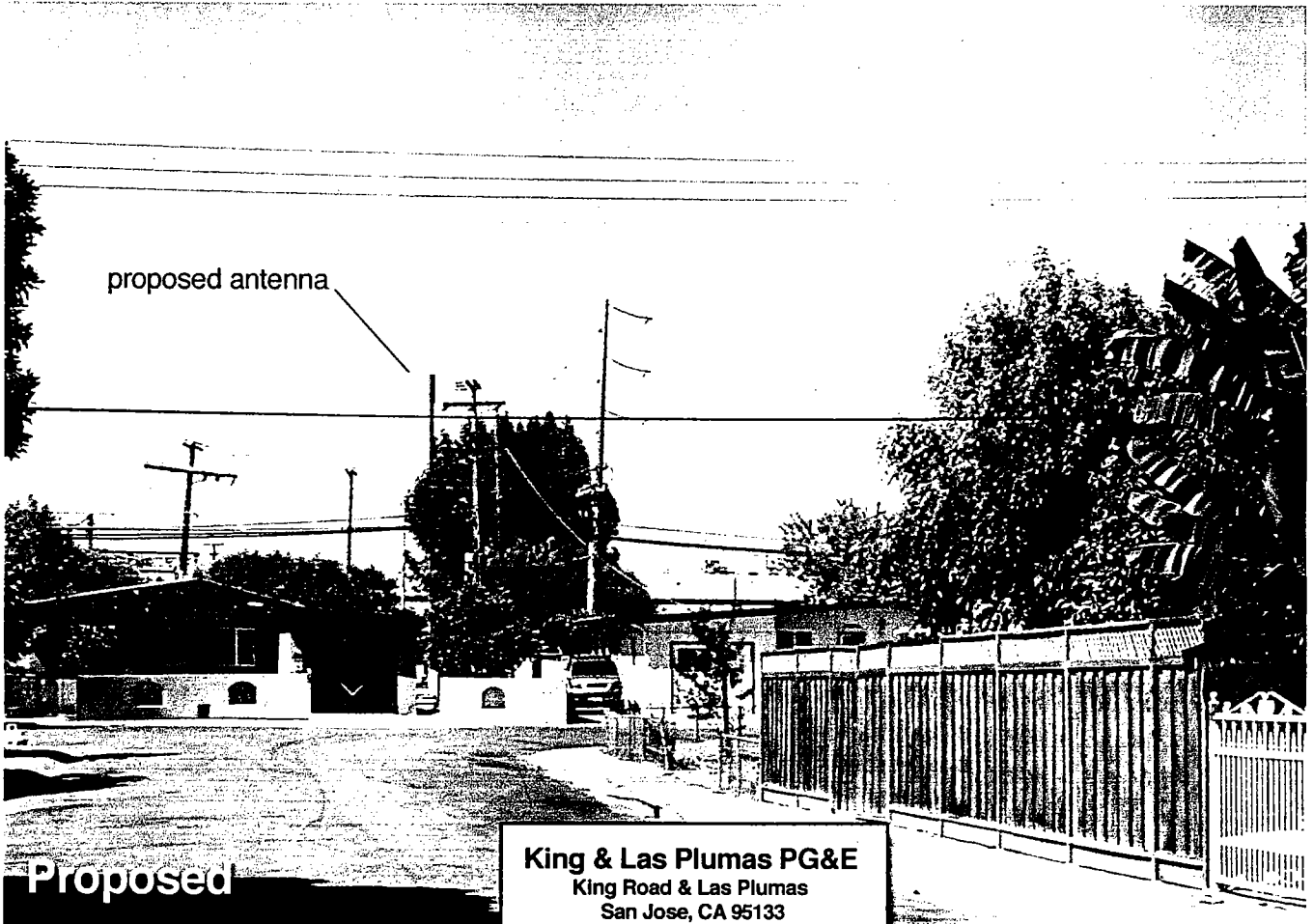
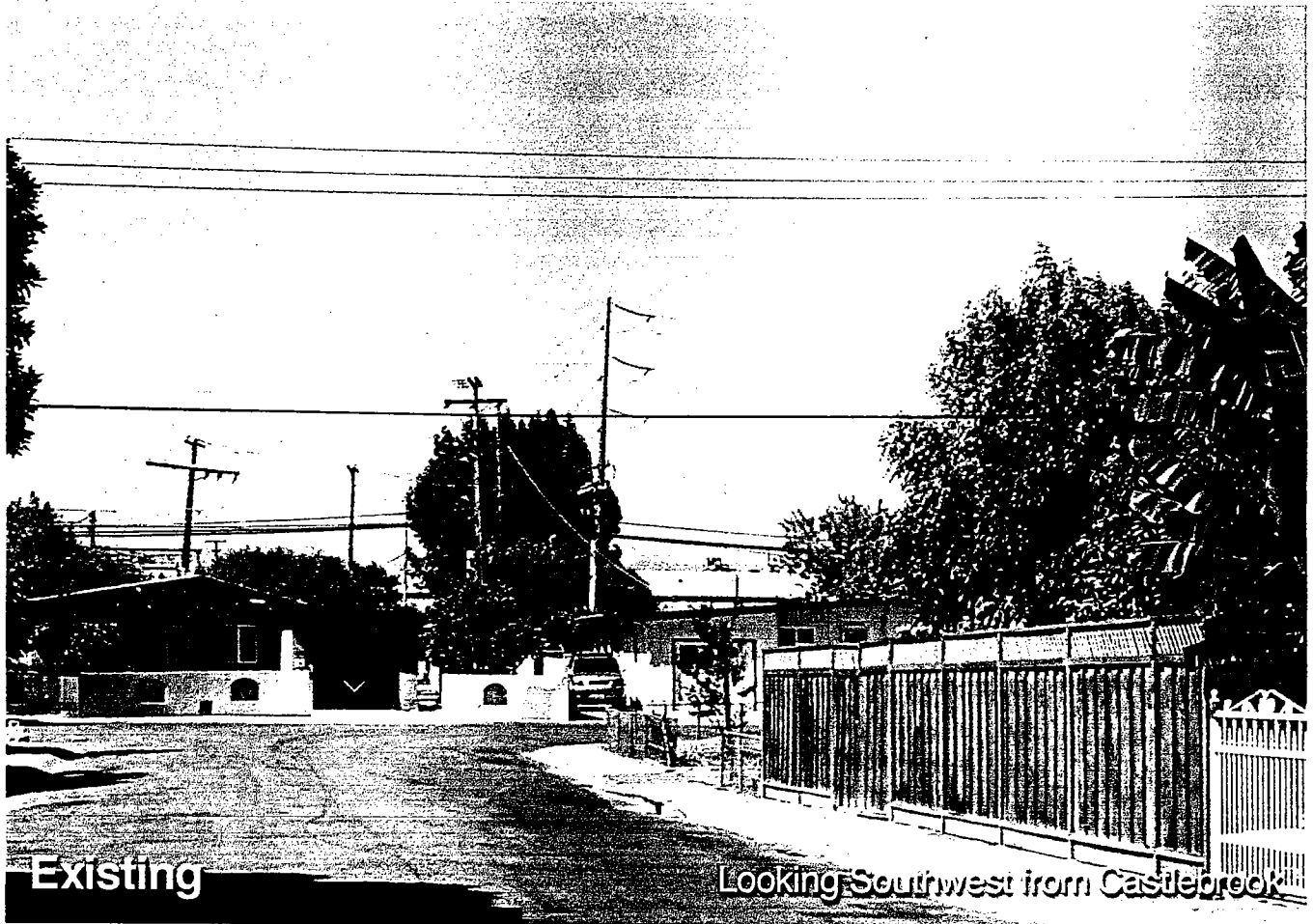
4. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
5. **Generators.** This project does not permit the use temporary or permanent emergency back-up generators unless otherwise approved by the Director of Planning.
6. **Lighting.** This permit allows no new on-site lighting.
7. **Outside Storage.** No outside storage is permitted.
8. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning.
9. **Tree Removals.** No tree larger than 56 inches in circumference, at a height 24 inches above the natural grade slope, may be removed without a Tree Removal Permit issued by the Director of Planning.
10. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Construction Plans.* This permit file number, CP04-059 shall be printed on all construction plans submitted to the Building Division.
  - b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
  - c. *Construction Conformance.* A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to final inspection approval by the Building Department, Developer shall obtain a written confirmation from the Planning Division that the project, as constructed, conforms with all applicable requirements of the subject Permit, including the plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.
11. **Hazardous Materials.** Any hazardous materials regulated by Chapter 17.68 of the San José Municipal Code on the site must be used and stored within approved buildings and/or within areas specified on the approved plan set, if any, in full compliance with the City's Hazardous Material Ordinance and the Hazardous Materials Management Plan for the site approved by the San José Fire Prevention Bureau.
12. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings, structures, fencing, and wall surfaces within 48 hours of defacement.
13. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.

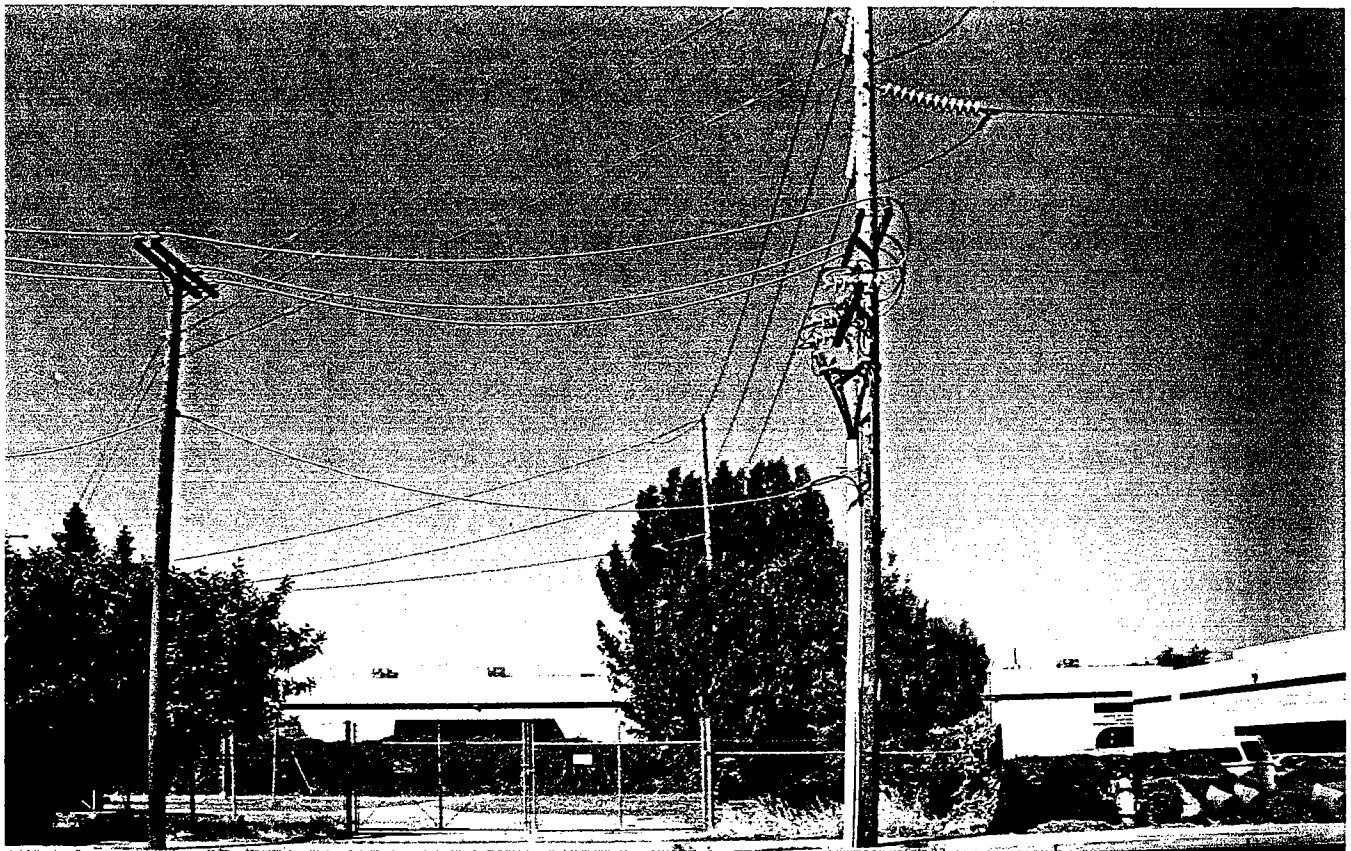


14. **Discontinuation of Use.** Upon discontinuation of the use of the subject antennas, the applicant shall remove all antenna improvements and related equipment/enclosures associated with this permit within 30 days.
15. **Co-location.** The owner(s) and operators of the proposed antenna support structure shall allow the co-location of PCS antennas for other providers. Other wireless providers shall also be allowed to add on to existing at grade equipment enclosures.
16. **Pruning of trees on the sidewalk:** The applicant shall undertake structural pruning of the trees on the sidewalk along the west side of North King Road in collaboration with the City Arborists.

#### CONDITIONS SUBSEQUENT

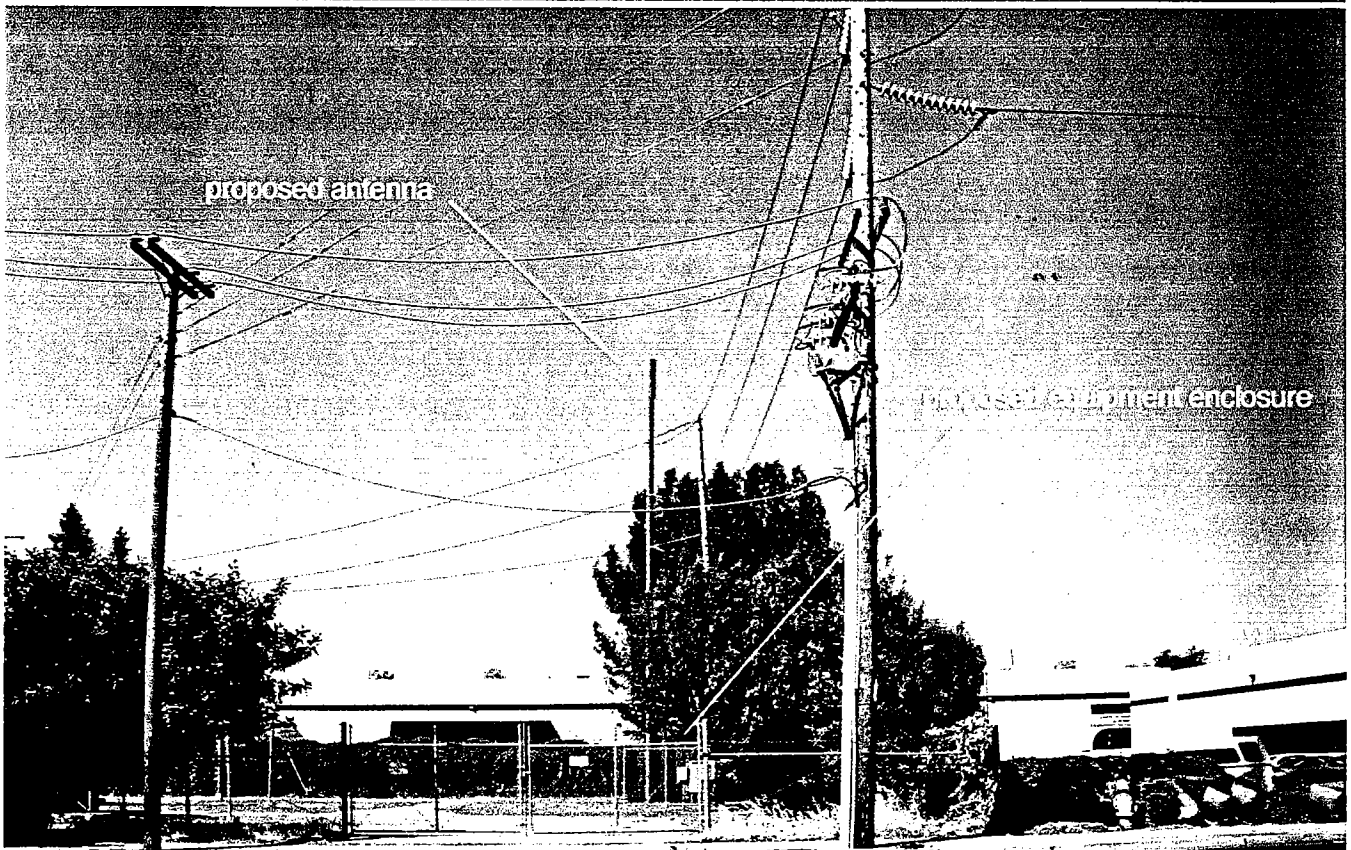
1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two (2) years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit in conformance with Title 20. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
  - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.





**Existing**

Looking Southwest from King Road



**Proposed**

**King & Las Plumas PG&E**  
King Road & Las Plumas  
San Jose, CA 95133  
site # SF60XC832C



File No: CP04-059

District: 3

Quad No: 67

Scale: 1"=300'  
Date: 06/21/2004





# Memorandum

**TO:** Meera Nagaraj  
Planning and Building

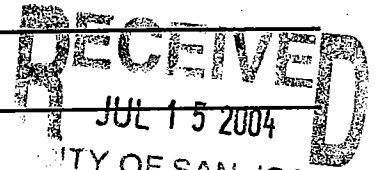
**FROM:** Nadia Naum-Stoian,  
Fire Prevention Engineer  
San Jose Fire Department

**SUBJECT:** INITIAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 07/08/04

Approved

Date



PLANNING NO.: CP04-059  
DESCRIPTION: Conditional Use Permit to allow installation of a new slim-line design wireless communication monopole with 500 square-foot associated equipment shelter on a 1.23 gross acre site  
LOCATION: West side of King Road approximately 500 feet southeasterly of Las Plumas Avenue  
ADDRESS: West side of King Road approximately 500 feet southeasterly of Las Plumas Avenue  
FOLDER #: 04 117138 AO

The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

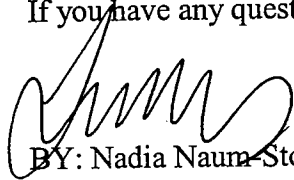
- Comply with comments from the Building/Fire Departments at the plan review stage.
- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.
- Fire Department comments to Planning Department File No. CP04-059 apply to this project.
- When submitting construction plans to the Building Department, **they shall include Planning's Development Permit File Number** printed on the construction plans.
- Each locked gate on site shall have an approved device with unlocking capability. Contact the Fire Department's Bureau of Fire Prevention at (408) 277-4656 for approved devices. Provide a manual means of opening gate if there is a power failure.

- The Hazardous Materials process can be lengthy and complex. The applicant should contact the Hazardous Materials Division at (408) 277-4659 as soon as possible to initiate the process.

Use or storage of hazardous materials, liquids, gases and/or chemicals will be subject to meeting the requirements of the Hazardous Materials Storage Ordinance, the Toxic Gas Ordinance, the applicable sections of the San Jose Fire Code, and the National Fire Codes. Submit names and amount of any hazardous materials, if they are to be stored or used, to the Bureau of Fire Prevention for review and approval.

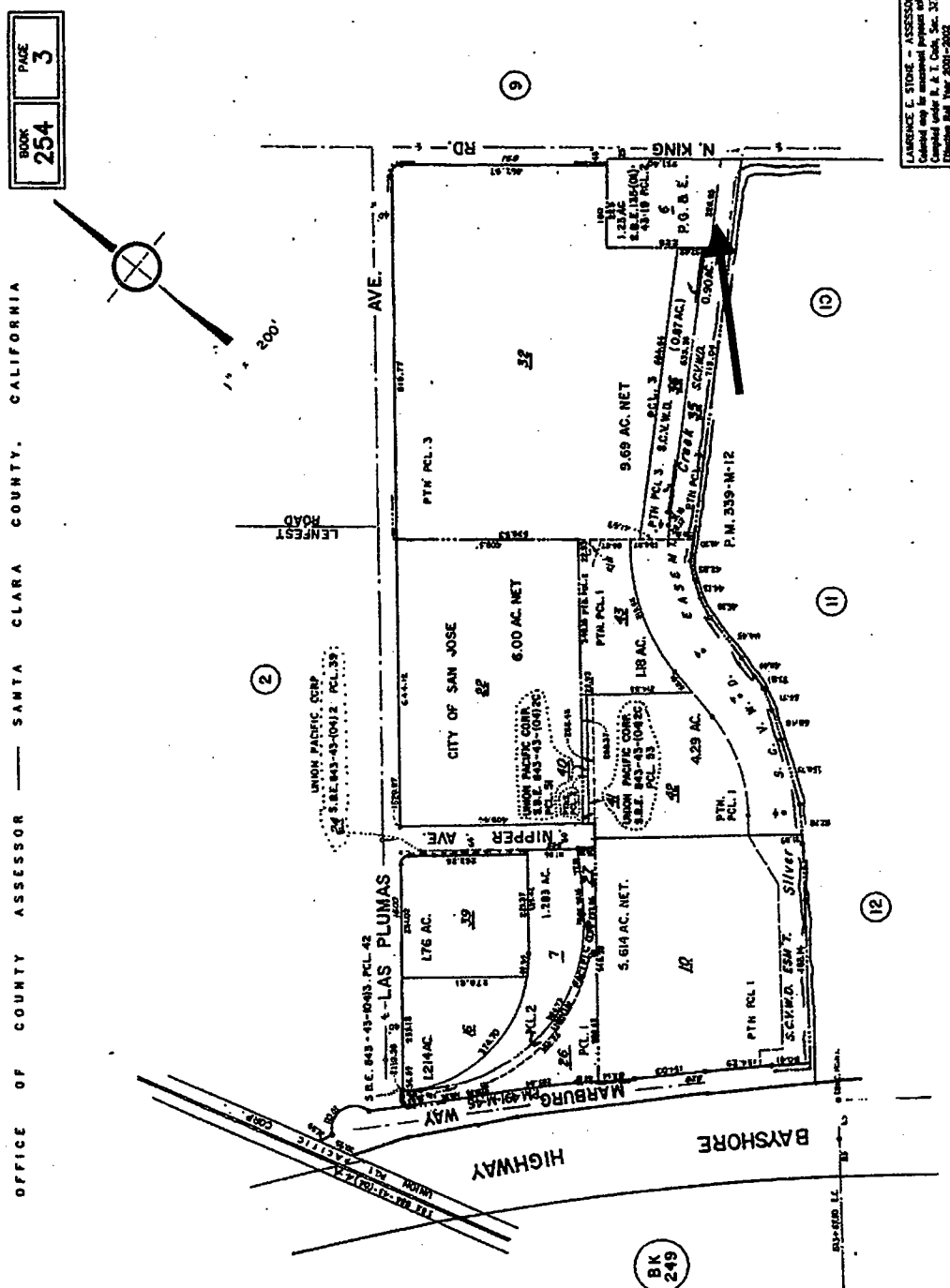
- A permit and applicable fees must be obtained prior to the use, storage, or handling of hazardous materials, liquids, gases, and/or chemicals.
- We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.



BY: Nadia Naum-Stoian, FPE  
Bureau of Fire Prevention  
San Jose Fire Department

Fire Site Memo to Planning Application



# City of San José, California

## CITY COUNCIL POLICY

TITLE LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES <sup>1</sup>	PAGE 1 of 6	POLICY NUMBER 6-20
	EFFECTIVE DATE 1/22/91	REVISED DATE 9/16/03

### APPROVED BY

Council Action - January 22, 1991; August 11, 1992; August 20, 1996 (9d); September 16, 2003

### BACKGROUND

San Jose residents, businesses and public safety personnel depend on wireless communications for convenience, economic activity and security. Wireless communications are a crucial part of our economic infrastructure, and our residents and businesses want more and better wireless services. As the Capital of the Silicon Valley, San Jose should have a high level of wireless service available to its residents and businesses in order to meet increasing demands for new and better services. San Jose has a strong interest in achieving and maintaining a high level of service and substantial competition among service providers.

In response to the emergent need for transmission facilities for use by the wireless communication industry, the City Council originally adopted a land use policy for wireless communication facilities on January 22, 1991. The policy was subsequently revised on August 11, 1992 and August 20, 1996. Title 20 of the San José Municipal Code defines these antennas as both structures and uses, and as such, they require the approval of a development permit. The needs of the wireless communication industry have continued to evolve as new technologies are developed and with the steady growth in the public's use of mobile phones and other forms of wireless communication services. Currently, several hundred wireless communication antennas of various types have been permitted throughout the City to meet the needs of several wireless service providers. These antennas are mounted on buildings, on freestanding monopoles, on the side or top of utility structures, or

on poles attached to the roof of a building, with attendant cabinets or buildings to house associated electrical equipment. The largest number of new antenna installations are building-mounted, and are located in industrial and commercial areas. In residential areas, most structure-mounted antennas are placed within existing utility easements or at non-residential uses such as churches and schools. The City also continues to both issue and renew permits to allow monopole structures, mostly in industrial areas.

Several changes have been made to the City's Zoning Ordinance pertinent to the regulation of new antenna installations. These changes include provisions for an exception to the standard Zoning District height limitations, the permitting of antennas mounted on non-building structures (such as high-voltage power line support towers), and amendments to the use allowances within each zoning district. The latter change was made as part of the City's comprehensive update of the Zoning Ordinance effective on February 19, 2001. Under the current Ordinance, building- or structure-mounted wireless communication antennas are generally considered permitted land uses in the commercial, industrial, open space and agricultural zoning districts and would require a permit adjustment or site development permit. Freestanding antennas and any antenna in a conventional residential zoning district may be approved only through the issuance of a Conditional Use Permit. Previously, the Council Policy did not allow antennas in proximity to existing residential uses, so antennas have been permitted on residentially-zoned land only when the actual land use was non-residential.

<sup>1</sup>This Policy focuses on two-way wireless communication facilities. It does not address amateur radio stations, radio or television *transmission-only* facilities or satellite dish *receive-only* facilities.



TITLE LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	PAGE 2 of 6	POLICY NUMBER 6-20
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The City has found that potential land use impacts can result from the development of wireless communication devices, particularly visual clutter and interface issues associated with proximity to residential neighborhoods. In addition, implementation of the City's policies and requirements for undergrounding will further increase the visibility of monopoles after other utility poles and lines are eliminated.

## PURPOSE

The City supports the extension of communication services to its businesses and residents, but desires that the necessary communication facilities be implemented in a way that minimizes visual clutter and other land use impacts and provides future opportunities for reducing impacts as changes in technology or development patterns make this possible. The wireless industry is encouraged to continue to make major capital investments in San Jose, and the City will work with the wireless industry to facilitate the continued improvement in wireless services while dealing with and solving problems associated with development of the wireless infrastructure. To this end, the City allows wireless communication antennas through a discretionary permit process to ensure that the development conforms to City requirements and is compatible with its surrounding neighborhood. The City's land use permitting process for wireless installations is contained within the City's Zoning Ordinance. The Zoning Ordinance establishes procedures that allow for the approval of wireless installations through either an administrative or public hearing process. This Policy provides guidelines for the review of new wireless permit applications consistent with and subservient to the procedures established within the Zoning Ordinance. To facilitate the evaluation process for individual permit applications, the following criteria are based on the land use designations in the adopted San José 2020 General Plan and are established to clearly identify the project characteristics necessary for approval.

## POLICY

### 1. *Overview*

New wireless communication antennas should be sited so as to minimize visual impacts. Integration of antenna installations within new or existing buildings is the preferred approach. New freestanding monopoles should not be implemented where building-mounted<sup>2</sup> or collocated facilities are feasible and would reduce visual impacts.<sup>3</sup> When due to technological requirements or site availability constraints a monopole is the only feasible alternative, wireless communication service providers are encouraged to design new monopoles to accommodate future collocated facilities of lesser height where radio frequency coverage objectives or quality are not unreasonably compromised, and to cooperate in efforts to collocate new antennas on existing facilities. All new monopoles should be time-conditioned to allow periodic evaluation of opportunities for collocating additional antennas on the approved facility and an assessment of technological changes that may allow reduction in the height of the pole or otherwise reduce its impacts.

### 2. *Inappropriate Land Use Designations for Wireless Communication Antennas*

Wireless communication antennas which are either freestanding or attached to buildings are discouraged from all residential designations, except Residential Support for the Core, High-Density Residential or Transit Corridor Residential which provide for the integration of commercial and residential uses in an urban setting. Antennas located on residentially-designated properties solely developed with non-residential uses such as parks, schools, public utilities, and churches may be acceptable subject to review in accordance with the City's Zoning Ordinance.

<sup>2</sup>For purposes of this Policy, "building-mounted" refers to the mounting of antennas on buildings and on other appropriate structures.

<sup>3</sup>Collocated facilities are defined as facilities belonging to two separate service providers mounted on a single monopole.

TITLE LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	PAGE 3 of 6	POLICY NUMBER 6-20
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Monopoles are discouraged from all Areas of Historic Sensitivity, all Rural Scenic Corridors and Trails and Pathways designations. Locations which could intrude on other uses within these designations are also discouraged.

### ***3. Criteria for Siting Wireless Communication Antennas***

The following policies are intended to address the potential land use impacts that can result from the development of wireless communication devices, particularly visual clutter and interface issues associated with proximity to residential neighborhoods. Technological constraints and the service needs of the wireless industry should also be considered in the application of these policies.

#### **a. Visual Impacts.**

**Alternatives Analysis:** In siting new wireless antennas, service providers should explore alternatives to new monopoles that reduce visual impacts. New antenna installations by definition include height additions to existing monopoles and the issuance of a new permit for an existing antenna with a passed permit, as well as entirely new installations. An alternatives analysis should be prepared for any proposed antenna installation that does not make use of a building-mounted or structure-mounted antenna design architecturally integrated with the supporting building or structure. The alternatives analysis should identify all technically feasible potential location sites which reasonably meet the service provider's radio frequency coverage objectives, particularly building-mounted sites, within the project vicinity, provide analysis as to the feasibility of those alternatives and compare the level of visual impact with that of the proposed project. At a minimum, this analysis should identify the location of all existing monopoles within a quarter mile of the proposed site; provide an explanation of why collocation has not been proposed at each of these sites; and assess the potential for building-mounted alternatives.

**Building-Mounted Antennas:** Antennas mounted on buildings or other structures should be located to minimize visual impacts and should be architecturally integrated into the structure. The construction of new architectural elements (e.g. new roof structures or parapets, clock towers, or church steeples) should be considered as a means of providing additional height and of camouflaging antennas and may be permitted through an Adjustment Permit procedure. In some cases existing roof elements may provide adequate visual screening for the installation of a new antenna. Although not the preferred approach, it is acceptable to install a single set of antennae (as an installation for one carrier) without new architectural screening. It is not appropriate, however, to install antennae for multiple carriers without some form of architectural screening. To provide increased opportunities for building mounted antennas, through the City's standard development review process, new construction, particularly of buildings of suitable height and width, should be designed to facilitate the future installation of architecturally-integrated, building-mounted antennas. Ancillary equipment shall be adequately screened.

**Freestanding Monopoles:** New freestanding monopoles should be located and designed to minimize public visibility and "stealth" pole designs should be utilized. "Stealth" poles would include, but not be limited to, smooth taper monopoles that accommodate flush-mounted antennas or incorporate antennas inside the pole structure itself. Ancillary equipment should be adequately screened and landscaped to minimize potential for graffiti vandalism.

**Collocation of Facilities on a Single Monopole and Utility Structure Mounted Antennas:** Sharing of a single monopole by two or more communication companies or placement of new antenna on existing utility structures within or outside of the public right-of-way or on a Joint Pole Authority (JPA) structure (including 60kV power line poles) can reduce the overall visual impact of the development of wireless antenna networks. When antenna are installed on a utility structure within the public right-of-way, the antenna will need to meet the residential setback

TITLE LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	PAGE 4 of 6	POLICY NUMBER 6-20
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requirements and other standards of this Policy. In all cases, antenna installations and associated equipment enclosures will need to conform the standards of the pertaining zoning district including setbacks requirements.

**Equipment Enclosures:** Equipment areas should be screened as appropriate based upon site conditions by new or existing landscape materials or built structures. Fence enclosures for the equipment areas are not required where all the equipment is enclosed in a single structure that is architecturally compatible with surrounding development. Otherwise, solid fences or walls may be required to reduce visual clutter. Equipment enclosures need to conform to the setback requirements of the underlying zoning district.

**Lighting:** No lighting of antennas is allowed except during maintenance activities or as required for safety by the FAA or other regulatory agency.

**Landscaping:** New landscaping or other visual amenities should be considered to offset the overall visual impact of new freestanding monopole and collocation projects. New landscaping proposed for such purpose should be provided in the form of screening trees located near the antenna location, or as canopy trees for nearby parking areas. Where it is not feasible to provide additional landscaping in proximity to a proposed antenna location, or substantial landscaping already exists on-site, other means of balancing the project's visual impacts shall be considered, such as the provision of additional street trees in the project vicinity or an in-lieu contribution to Our City Forrest.

#### **b. Height.**

Antenna installations should conform to the San José 2020 General Plan and Zoning Ordinance height restrictions. The height of antennas mounted on top of buildings and the height of new architectural elements designed to camouflage the antennas should be in proportion to the height of the building.

#### **c. Setbacks from Residential Uses.**

Freestanding monopoles should be located no closer to a parcel developed for use as a single-family or multi-family residence than 35 feet or a distance equal to 1 foot for every 1 foot of structure height, whichever is greater. Substantial landscaping (10 feet minimum), generally including trees, should be provided adjacent to the residential property line, to buffer the adjoining residential uses.

Building- or structure-mounted antennas should be located a minimum of 35 feet horizontally from any property with a single-family attached or detached residential use. Similarly, a minimum 35-foot horizontal setback should be provided from any adjacent property with a multi-family residential use. A similar setback separation is desirable for an installation within a multi-family residential development, but in situations where superior alternatives are not available, it may be permissible to place a building-mounted or structure-mounted antenna within 35 feet of a multi-family residential structure. Installation of an antenna may be particularly appropriate within or adjacent to higher density mixed-use residential projects (development consistent with Residential Support for the Core, Transit Corridor Residential and High-Density Residential General Plan designations) that incorporate non-residential uses. If possible, antennas should be incorporated into the design of non-residential structures (e.g. commercial components, clock towers) located within the overall development.

These setback requirements do not apply to associated equipment enclosures which should comply with standard zoning setback requirements. In situations where superior alternatives are not available, antennas may be mounted on an existing utility structure within a utility corridor, such as a P.G. & E. high-tension (200kV or higher) line corridor, where the antenna would be located at least 20 feet horizontally from a single-family residential property line.

TITLE LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	PAGE 5 of 6	POLICY NUMBER 6-20
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#### **d. Performance Standards.**

Antenna installations should conform to the performance standards of the underlying zoning district. In particular, associated equipment, including power-generating equipment, will need to meet the pertaining noise and air-quality standards and permitting requirements established within the City's Zoning Ordinance.

#### **e. Parking.**

Wireless communication facilities should not reduce existing parking on the site unless the zoning district parking requirements can still be met.

#### **f. Vacant Sites.**

Monopoles developed on vacant sites should be removed and where possible should be replaced with building-mounted antennas when the site is developed provided that the new development would allow relocation of the existing antennas at a similar height and disposition.

### **5. Environmental Review**

An Application for Environmental Clearance is required for wireless communication antennas that are determined not to be exempt from environmental review. An Environmental Clearance Application (Initial Study) should be submitted as part of the application for any new stand-alone monopole installation, any installation including power generation equipment or any installation involving designated historic structures. The Initial Study should analyze the potential for visual, noise, air-quality and other environmental impacts for the project. Antenna that qualify for administrative review are typically exempt from environmental review and an Environmental Clearance Application is not necessary.

### **6. Permit Expirations**

The City may include a time limit condition in use Permits to provide for the future review of the

subject antenna installation. Changing development patterns in the area (e.g., a prevailing change from commercial or industrial to residential uses on surrounding properties OR the development of taller buildings or structures in the near vicinity that provide superior collocation opportunities), rapidly changing technologies and/or the availability of improved technologies, may prompt the City upon such review to determine that opportunities have become available to replace the existing antenna with a new antenna that has improved visual and land use characteristics. The typical time limit duration is for a five-year period, but based upon project specific circumstances, a longer or shorter duration may be more appropriate. An extended permit duration of up to ten years can be considered appropriate for smooth taper monopoles placed in light or heavy industrial areas. A time limit typically will not be applied to an antenna installation that includes adequate architectural screening (e.g. enclosure within a church steeple or clock tower structure) or that is mounted on an existing utility structure. A permit may include provisions for a time extension, but such an extension should also be reviewed for possible impact-reducing improvements to the project. Applications for extension or renewal of time-conditioned permits should be scheduled for hearing prior to the expiration of the original permit. In the event that a permit expires and an applicant has failed to file for a renewal of that permit, the antenna developed under the permit no longer has legal status and should be removed by the property owner in order to comply with the City's ordinances. When use of an antenna is discontinued, prior to or subsequent to the expiration of a permit, the antenna should be removed by the property owner.

### **7. Other Considerations**

a. The Director of Planning, Building, Code Enforcement or the decision making body, may impose other appropriate conditions on a project-by-project basis as required to ensure land use compatibility. The criteria in this policy represent

TITLE	PAGE	POLICY NUMBER
LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	6 of 6	6-20

minimum standards for wireless communication antennas.

b. The City should periodically obtain information from the communications industry regarding changes in technology and new communication services that may affect the City's wireless communication networks and access for people with disabilities.

CC6-20 (Rev. 09-08-03)



ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT CERTAIN PARCEL OF LAND, SITUATE IN TRACT NO. 1, PUEBLO LANDS OF SAN JOSE, BOUNDED BY A LINE WHICH BEGINS AT A POINT IN THE CENTERLINE OF THE COUNTY ROAD, COMMONLY KNOWN AS KING ROAD, FROM WHICH THE RAILROAD SPIKE SCRIBED WITH AN I MARKING THE INTERSECTION OF THE CENTERLINE OF THE COUNTY ROAD, COMMONLY KNOWN AS McKEE ROAD, WITH THE CENTERLINE OF SAID KING ROAD BEARS S 38'01' 1/2' E 1275.9 FEET DISTANT AND RUNS THENCE S 58'40' 1/2' W 226.5 FEET; THENCE N 38'01' 1/2' W 252. FEET, PARALLEL WITH THE CENTERLINE OF SAID KING ROAD, 25.0 FEET TO A 1 INCH PIPE WITH PLUG AND TACK; THENCE CONTINUING N 38'01' 1/2' W 200.0 FEET TO A 1 INCH PIPE WITH PLUG AND TACK; THENCE N 51'S 8' 1/2' W 200.0 FEET TO A 1 INCH PIPE WITH PLUG AND TACK IN THE SOUTHWESTERLY END OF SAID KING ROAD; THENCE CONTINUING N 51'S 8' 1/2' W 25.5 FEET, TO A 1 INCH WOODEN PLUG IN THE CENTERLINE OF SAID KING ROAD; THENCE S 38'01' 1/2' E ALONG THE CENTERLINE OF SAID KING ROAD; 200.0 FEET TO A TACK IN A WOODEN PLUG; THENCE CONTINUING S 38'01' 1/2' E, ALONG THE CENTERLINE OF SAID KING ROAD, 51.4 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

COMMENCING AT THE NORTHWEST CORNER OF THE BEFOREMENTIONED PARENT PROPERTY; THENCE N 53°09'07" E, A DISTANCE OF 1.45 FEET; THENCE S 36°50'53" E, A DISTANCE OF 0.89 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 53°30'20" E, A DISTANCE OF 20.00 FEET; THENCE S 36°29'40" E, A DISTANCE OF 25.00 FEET TO POINT "A"; THENCE S 53°30'20" W, A DISTANCE OF 20.00 FEET; THENCE N 36°29'40" W, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO SAID LEASE AREA.

TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO SAID LEASE AREA.

TOGETHER WITH A 5.00 FOOT WIDE UTILITY EASEMENT BEING DESCRIBED AS FOLLOWS:

COMMENCING AT POINT "A"; THENCE N 36°29'40" W, A DISTANCE OF 5.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 41°45'52" E, A DISTANCE OF 45.31 FEET TO AN EXISTING UTILITY POLE AND THE TERMINUS OF THIS DESCRIPTION.

OWNER: PACIFIC GAS AND ELECTRIC COMPANY

APN: 254-03-006

THE INFORMATION SHOWN HEREON IS BASED UPON A FIELD SURVEY AND A COMPILATION OF AVAILABLE RECORD AND TITLE INFORMATION. UNLESS NOTED OTHERWISE, PROPERTY LINES ARE DERIVED FROM RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY.

THE EASEMENTS (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN PLOTTED BASED SOLELY ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT BY: COMMONWEALTH TITLE COMPANY, ORDER NO. 94191301, DATED JUNE 28, 2004.

THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPLETE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

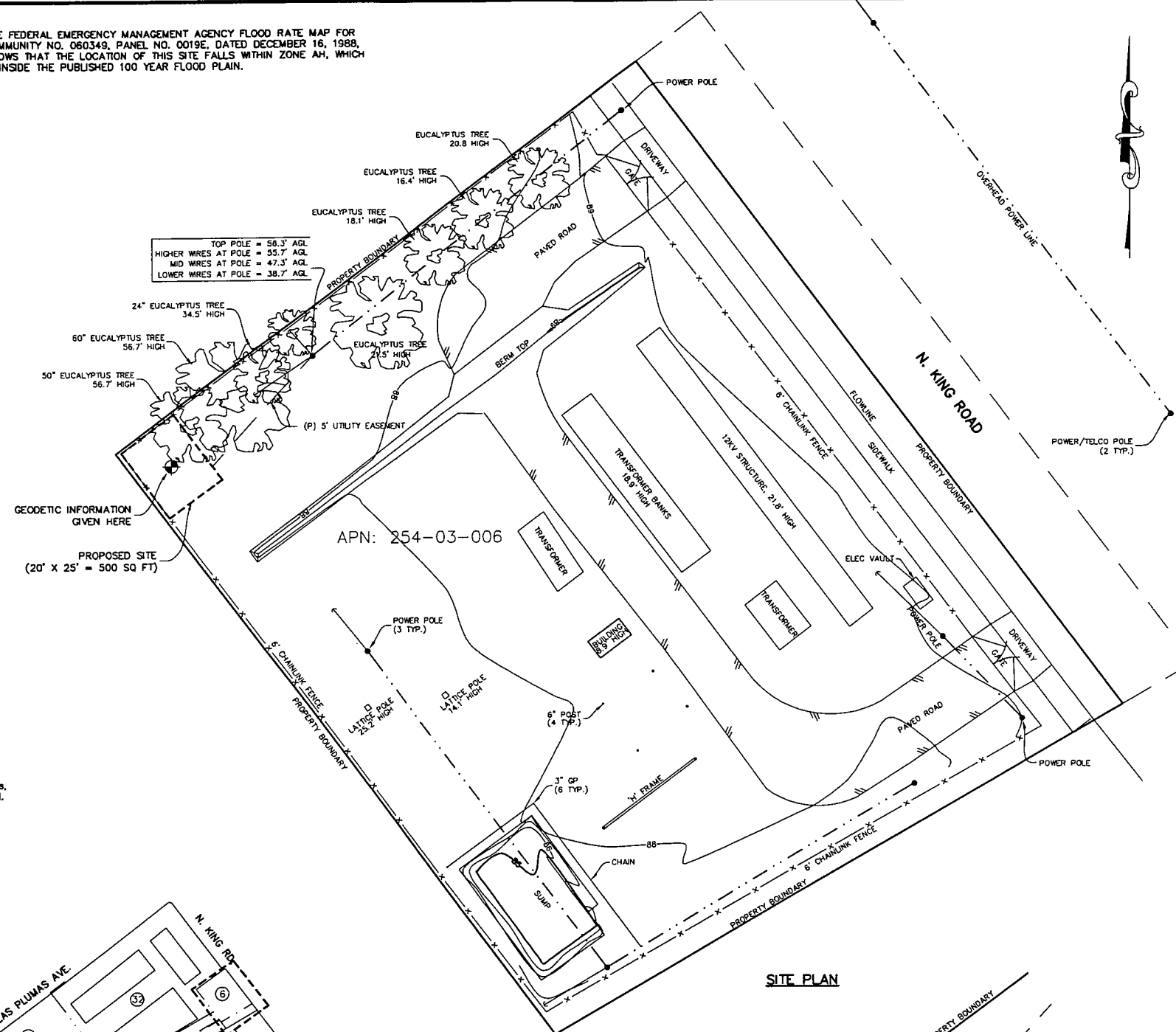
THE LATITUDE AND LONGITUDE AT THE CENTER OF THE LEASE AREA WAS DETERMINED BY GPS OBSERVATIONS.

LAT. 37°21'39.4" N. NAD 83  
LONG. 121°51'52.5" W. NAD 83  
ELEV. 87.3 NAVD 88 (BASIS OF DRAWING)

LAT. 37°21'39.7" N. NAD 27  
LONG. 121°51'48.6" W. NAD 27  
ELEV. 84.5 NGVD 29

The information shown above meets or exceeds the requirements set forth in FAA order 8260.19c for 1-A accuracy ( $\pm 15'$  horizontally and  $\pm 3'$  vertically). The horizontal datum (coordinates) are expressed as degrees, minutes and seconds, to the nearest tenth of a second. The vertical datum (heights) are expressed in feet and decimals thereof and are determined to the nearest 0.1 foot.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 060349, PANEL NO. 0019E, DATED DECEMBER 16, 1988, SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE AH, WHICH IS INSIDE THE PUBLISHED 100 YEAR FLOOD PLAIN.

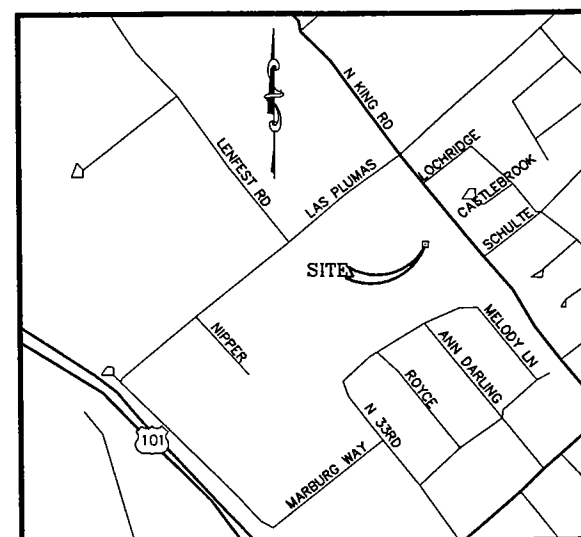


	UNDERGROUND WATER
	UNDERGROUND TELEPHONE
	UNDERGROUND ELECTRICAL
	UNDERGROUND GAS
	SITE BOUNDARY LINE
	POWERLINE
	PROPERTY LINE
	POWER POLE (P.P.)
	FLOOD LIGHT
	FIRE HYDRANT
	WATER VALVE
	ELECTRIC METER
	WATER METER

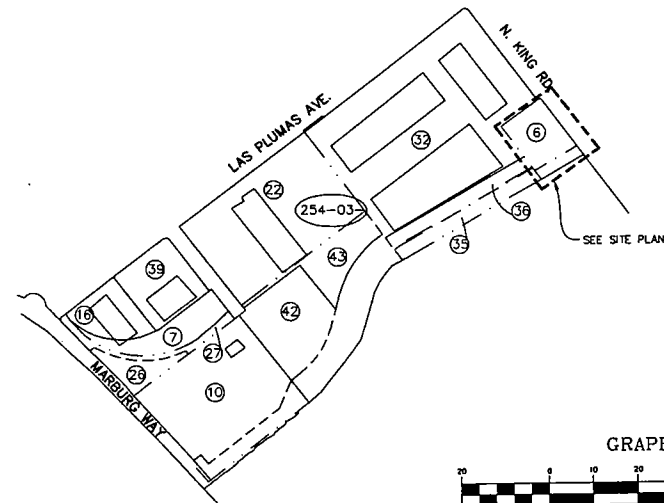
Survey map showing the proposed site and surrounding property boundaries. The map includes the following bearings and distances:

- N 53°30'20" E 20.00'
- S 36°50'53" E 0.89'
- N 53°08'07" E 1.45'
- S 25°50'25" E 20.00'
- S 36°23'40" E 25.00'
- N 41°45'55" E 45.31'
- (P) 5' UTILITY EASEMENT
- PROPERTY BOUNDARY
- POINT "A"
- PROPOSED SITE

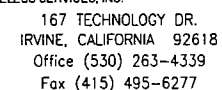
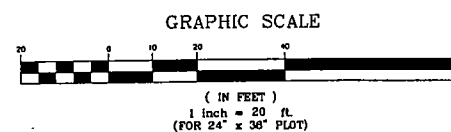
1" = 20'



VICINITY MAP  
NOT TO SCALE



KEY MAP  
N.T.S.



PROJECT NO: SF60XC832-C

DRAWN BY: DL

CHECKED BY: HJ

[illegible]

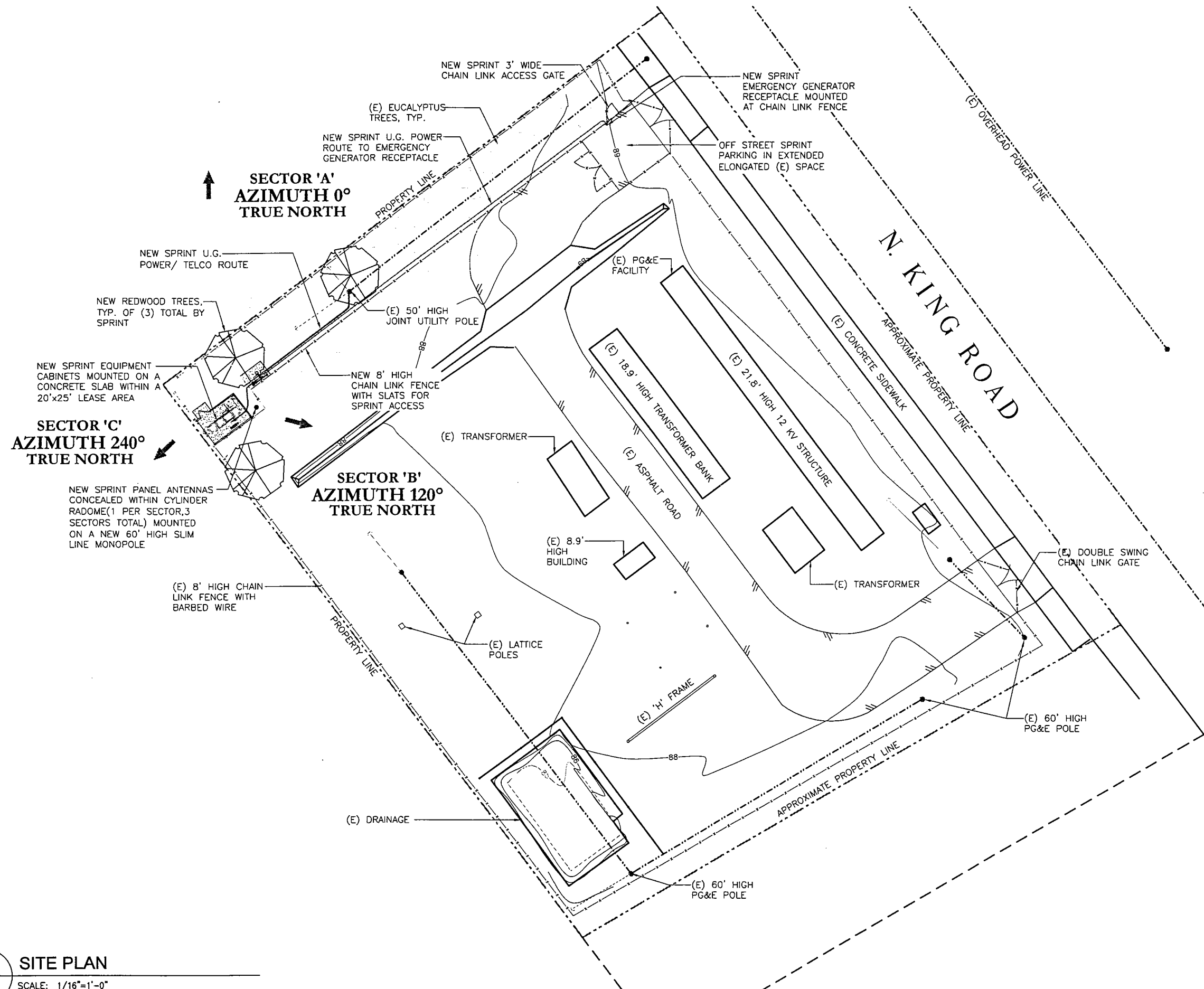
IT IS A VIOLATION OF LAW FOR ANY PERSON,  
UNLESS THEY ARE ACTING UNDER THE DIRECTION  
OF A LICENSED PROFESSIONAL ENGINEER,  
TO ALTER THIS DOCUMENT.

KING RD & LAS PLUMAS  
SF60XC832-C  
SW CR KING RD & LAS PLUMAS  
SAN JOSE, CA 95116  
SANTA CLARA COUNTY

SHEET TITLE  
SITE SURVEY

SHEET NUMBER

C-1



6580 SPRINT PARKWAY  
OVERLAND PARK, KANSAS 66251



167 TECHNOLOGY DR.  
IRVINE, CALIFORNIA 92618  
Office (530) 263-4339  
Fax (415) 495-6277



PROJECT NO:	SF60XC832-C
DRAWN BY:	AU/MIR
CHECKED BY:	RA

0	06/18/04	90% ZONING
1	08/04/04	100% ZONING
2	10/05/04	100% ZONING REV.
REV	DATE	DESCRIPTION

IT IS A VIOLATION OF LAW FOR ANY PERSON,  
UNLESS THEY ARE ACTING UNDER THE DIRECTIO  
OF A LICENSED PROFESSIONAL ENGINEER,  
TO ALTER THIS DOCUMENT.

KING / LAS PLUMAS PG&E  
SF60XC832-C  
S.W. OF KING RD & LAS PLUMAS  
SAN JOSE, CA 95116  
SANTA CLARA COUNTY

SHEET TITLE

## SITE PLAN

SHEET NUMBER

**A-1**



1 SITE PLAN  
A-1 SCALE: 1/16"=1'-0"





